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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,594	12/22/2000	Robert Adams	10559-341001/ P9886	1184

7590

04/07/2004

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EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,594

Applicant(s)

ADAMS ET AL.

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerf et al (hereinafter, "Cerf", 6,418,138) in view of Benjamin et al (hereinafter, "Benjamin", US 2001/0013052)

As per claim 1, Cerf discloses a communication system for accessing and managing a database, comprising:

- a portable wireless communication appliance (col. 3, lines 20-23);
- a remote device (source) with access to the database (col. 3, lines 25-27); and
- a cache device (proxy) configured to communicate wirelessly with the portable wireless communication appliance and to communicate with the remote device (see Fig. 2, col. 3, lines 15-27).

However, Cerf does not explicitly disclose:

- the cache device storing a copy of a predetermined portion of the database.

Benjamin discloses a system and method for disparate systems to communicate with each other for distributed processing and caching including:

- the cache device storing a copy of a predetermined portion of the database (abstract, paragraph 0049, paragraph s 0053-0054).

Given the teaching of Benjamin, it would have been obvious to one of ordinary skill in the art to modify Cerf by synchronizing the proxy database with the source database in order to have the same information on both databases allowing the proxy to process a client/user request in a timely and efficient manner.

As per claim 2, Cerf discloses wherein the portable wireless communication appliance comprises one of a:

- radiotelephone, a personal digital assistant, or a portable computer (col. 3, lines 20-23).

As per claim 3, Cerf discloses wherein the remote device comprises:

- a personal computer, a desktop computer, or a server device connected to a network (col. 3, lines 25-27).

As per claim 4, Cerf discloses wherein the cache device comprises:

- a wireless communication device operative to communicate with the portable wireless communication device (col. 3, lines 15-27).

However, Cerf does not explicitly disclose:

- a storage device for storing the copy of the portion of the database; and
- data processor operative to execute preprogrammed instructions and managing the copy of the portion of the database in the storage device.

Benjamin discloses a system and method for disparate systems to communicate with each other for distributed processing and caching including:

- a storage device for storing the copy of the portion of the database (abstract, paragraph 0049, paragraphs 0053-0054); and

- data processor operative to execute preprogrammed instructions and managing the copy of the portion of the database in the storage device (paragraphs 0052-0053).

Given the teaching of Benjamin, it would have been obvious to one of ordinary skill in the art to modify Cerf by synchronizing the proxy database with the source database in order to have the same information on both databases allowing the proxy to process a client/user request in a timely and efficient manner.

As per claim 15, Cerf discloses a method comprising:

- establishing a wireless communication link between a portable wireless communication appliance and a cache device (col. 3, lines 15-27);
- sending a remote-device discovery inquiry by way of the wireless communication link (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41);
- determining if a remote device is available for communication with the cache device; (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41; The proxy of Cerf has many different control mechanism and management functions therefore Cerf at least implicitly disclose determining if the remote device is available for communication with the cache device)
- monitoring the availability of the remote device (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41; The proxy of Cerf has many different control mechanism and management functions therefore Cerf at least implicitly disclose determining if the remote device is available for communication with the cache device); and

However, Cerf does not explicitly disclose:

- setting cache-device preferences;

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- synchronizing a copy of a portion of a database stored in the cache device with the database stored in the remote device.

Benjamin discloses a system and method for disparate systems to communicate with each other for distributed processing and caching including:

- setting cache-device preferences (abstract, paragraph 0049, paragraphs 0053-0054);
- synchronizing a copy of a portion of a database stored in the cache device with the database stored in the remote device (abstract, paragraph 0049, paragraphs 0053-0054).

Given the teaching of Benjamin, it would have been obvious to one of ordinary skill in the art to modify Cerf by synchronizing the proxy database with the source database in order to have the same information on both databases allowing the proxy to process a client/user request when the source is unavailable in a timely and efficient manner.

As per claims 5, 10 and 16, Cerf discloses a method and computer program product of accessing and managing a database accessible by a remote device, the method comprising:

- establishing a wireless communication link between a portable wireless communication appliance (col. 3, lines 15-27);
- sending a remote-device discovery inquiry by way of the wireless communication link (col. 5, lines 58-67, col. 6, lines 1-3, and lines 32-41);
- determining if the remote device is available for communication with the cache device (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41; The proxy of Cerf has many different control mechanism and management functions therefore Cerf at least

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implicitly disclose determining if the remote device is available for communication with the cache device); and

- remote device is not available (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41;

The proxy of Cerf has many different control mechanism and management functions therefore Cerf at least implicitly disclose determining if the remote device is available for communication with the cache device).

However, Cerf does not explicitly disclose:

- a cache device storing a portion of the database;
- accessing the copy of the portion of the database stored in the cache device.

Benjamin discloses a system and method for disparate systems to communicate with each other for distributed processing and caching including:

- a cache device storing a portion of the database (abstract, paragraph 0049, paragraphs 0053-0054);
- accessing the copy of the portion of the database stored in the cache device (paragraphs 0049 and paragraphs 0053-0054).

Given the teaching of Benjamin, it would have been obvious to one of ordinary skill in the art to modify Cerf by synchronizing the proxy database with the source database in order to have the same information on both databases allowing the proxy to process a client/user request when the source is unavailable in a timely and efficient manner.

As per claims 6 and 11, Cerf further discloses:

- accessing the database when the remote device is available (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41; The proxy of Cerf has many different control mechanism

and management functions therefore Cerf at least implicitly disclose determining if the remote device is available for communication with the cache device).

As per claims 7 and 12, Cerf discloses the invention substantially as claimed.

However, Cerf does not explicitly disclose:

- setting cache-device preferences.

Benjamin discloses a system and method for disparate systems to communicate with each other for distributed processing and caching including:

- setting cache-device preferences (abstract, paragraph 0049, paragraphs 0053-0054).

Given the teaching of Benjamin, it would have been obvious to one of ordinary skill in the art to modify Cerf by setting cache-device preferences in order to cache information receive from the source according to the proxy allowing the proxy to process a client/user request when the source is unavailable in a timely and efficient manner.

As per claim 8 and 13, Cerf further discloses:

- monitoring the availability of the remote device (col. 5, lines 58-67, col. 6, lines 1-3 and lines 32-41; The proxy of Cerf has many different control mechanism and management functions therefore Cerf at least implicitly disclose determining if the remote device is available for communication with the cache device).

As per claims 9 and 14, Cerf discloses the invention substantially as claimed.

However, Cerf does not explicitly disclose:

- synchronizing the copy of the portion of the database with the database according to the cache-device preferences.



Benjamin discloses a system and method for disparate systems to communicate with each other for distributed processing and caching including

- synchronizing the copy of the portion of the database with the database according to the cache-device preferences prior to the unavailability of the remote device (abstract, paragraph 0049, paragraphs 0053-0054).

Given the teaching of Benjamin, it would have been obvious to one of ordinary skill in the art to modify Cerf by synchronizing the proxy database with the source database in order to have the same information on both databases allowing the proxy to process a client/user request when the source is unavailable in a timely and efficient manner.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat No. 5,742,905 to Pepe et al

U.S. Pat No. 6,643,279 to Li et al

U.S. Pub. No. 2002/0068559 to Sharma et al

U.S. Pub. No. 2002/0022453 to Balog et al

U.S. Pub. No. 2002/0181060 to Huang

U.S. Pat. No. 6,405,240 to Tsubone et al

U.S. Pat. No. 6,578,113 to Krishnamurthy et al

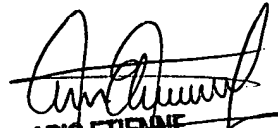
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
April 3, 2004

  
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